



JG03 Rec'd PCT/PTO 17 OCT 2005 PCT\$

Attorney Docket No: 1171/42784/157-PCT-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Bremner et al. )  
)  
For: SYSTEM FOR SENSING THE DELIVERY))  
OF GASES TO A PATIENT )  
)  
Serial No.: 10/533,411 ✓ )  
)  
Filed: April 29, 2005 )  
)  
Art Unit: Not yet assigned )  
)  
Atty Docket No.: 1171/42784/157-PCT-US )

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

October 14, 2005  
Date

Tiffany E. Sexton  
Tiffany E. Sexton

**RESPONSE TO NOTICE TO FILE MISSING REQUIREMENTS UNDER 35  
U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
MAIL STOP: MISSING PARTS

Sir:

The above-noted application was filed on April 29, 2005, via Express Mail. As a result of the original, executed Declaration document not being attached to said application, a Notice to File Missing Parts issued.

In response to the aforementioned Notice, please find enclosed herewith the following:

- a. The original Declaration and Power of Attorney for Patent Application, executed by the inventors, Michael Brian Edward Bremner; Brett John Huddart and Scott Robert Mackie.
- b. A copy of the aforementioned Notice to File Missing Parts of Application
- c. A check in the amount of \$130.00 for payment of late filing of the executed Declaration and Power of Attorney.

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If the afore-mentioned check is missing or insufficient, the Commissioner is hereby authorized and requested to charge Deposit Account No. 20-1495 any amount necessary to cover any costs associated with this Response or to credit any overpayment.

Respectfully submitted,

Dated: October 19, 2005

By: 

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UNITED STATES PATENT AND TRADEMARK OFFICE

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 United States Patent and Trademark Office  
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 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

*F&P. H. Case 157-PCT-US*

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/533,411	Michael Brian Edward BREMNER	1171/42784/157-PCT-US

INTERNATIONAL APPLICATION NO.	
PCT/NZ03/00244	
I.A. FILING DATE	PRIORITY DATE
10/30/2003	11/01/2002

279  
 TREXLER, BUSHNELL, GIANGIORGI,  
 BLACKSTONE & MARR, LTD.  
 105 WEST ADAMS STREET  
 SUITE 3600  
 CHICAGO, IL 60603

**RECEIVED**  
 OCT 07 2005

TREXLER, BUSHNELL, GIANGIORGI,  
 BLACKSTONE & MARR, LTD.

CONFIRMATION NO. 9055

871 FORMALITIES LETTER

\*OC000000017152090\*

Date Mailed: 10/03/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 04/29/2005
- Copy of the International Search Report filed on 04/29/2005
- Copy of IPE Report filed on 04/29/2005
- Preliminary Amendments filed on 04/29/2005
- Information Disclosure Statements filed on 04/29/2005
- Oath or Declaration filed on 04/29/2005
- U.S. Basic National Fees filed on 04/29/2005
- Priority Documents filed on 04/29/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FRANCINE YOUNG

Telephone: (703) 308-9140 EXT 215

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/533,411	PCT/NZ03/00244	1171/42784/157-PCT-US